

IN RE: PETITION FOR ZONING VARIANCE
W/S Ambler Road, 365' N of
the c/l of Parkwood Road
(2617 Ambler Road)
12th Election District
7th Councilmanic District
Joseph Novak, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 1'6" in lieu of the required 7', as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Deborah Finland, Petitioners' daughter. There were no Protestants.

Testimony indicated that the subject property, known as 2617 Ambler Road and Zoned D.R. 5.5, is currently improved with a single family dwelling which has been the residence of the Petitioners since 1952. Petitioners propose constructing a carport to protect their vehicles and themselves during inclement weather. Petitioners' health and age necessitate the proposed carport. Petitioners argued that the granting of the variance will not result in any detriment to the health, safety, or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety,

and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of December, 1988 that the Petition for Zoning Variance to permit a side yard setback of 1'6" in lieu of the required 7', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/18/88
By [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 10, 1988.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 10, 1988.

THE JEFFERSONIAN,

S. Zehe Orlan
Publisher

PO 05805
reg M20417
case 89-205-A
price 37.50

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, on the following date:
Hearing Date: Wednesday, Dec. 7, 1988 at 2:00 p.m.
Petition for Zoning Variance
Case Number: 89-205-A
W/S Ambler Road, 365' N of Parkwood Road
(2617 Ambler Road)
Petitioner(s): Joseph Novak, et ux
Hearing Date: Wednesday, Dec. 7, 1988 at 2:00 p.m.
Variance to allow a side yard setback of 1'6" in lieu of the required 7 feet.
In the event that the Petitioner is granted a building permit, the second hearing on this matter may be held within the thirty (30) day period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
11/08/88 Nov. 10

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222
November 10, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case 89-205-A - P.O. #05804 - Reg. #M20418 - 90 lines & \$45.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 11th day of November 1988; that is to say, the same was inserted in the issues of Nov. 10, 1988

Kimbel Publication, Inc.
per Publisher.
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
11/18/88
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, on the following date:
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
11/18/88 Nov. 10

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th
Date of Posting 11/18/88
Posted for: [Signature]
Petitioner: Joseph Novak, et ux
Location of property: W/S Ambler Rd, 365' N of Parkwood Rd, 2617 Ambler Rd
Location of Sign: Facing Ambler Rd, approx 15' from road
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
11/18/88 887-3353

December 8, 1988

Mr. & Mrs. Joseph Novak
2617 Ambler Road
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
W/S Ambler Road, 365' N of the c/l of Parkwood Road
(2617 Ambler Road)
12th Election District - 7th Councilmanic District
Joseph Novak, et ux - Petitioners
Case No. 89-205-A

Dear Mr. & Mrs. Novak:

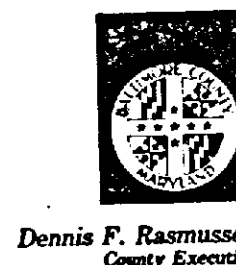
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: People's Counsel
File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-205-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 11B02.1.2.B (Sect. III, C.2.2.A Residence, 1949) to allow a side yard setback of 1'6" in lieu of the required 7 feet.

1. Due to our age 71 and 69 we definitely need a carport most in bad weather to enter & exit our car without getting wet, etc.
2. I recently moved here a very bad luck, but since 5 months in legs and a full new carport.
3. The carport will also cover our side of entrance steps which is very dangerous when it is snow accumulates.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: [Signature]
(Type or Print Name)
Signature: [Signature]
Address: [Signature]
City and State: [Signature]
Attorney for Petitioner: [Signature]
(Type or Print Name)
Address: [Signature]
City and State: [Signature]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Signature]
Name: [Signature]
Phone No.: [Signature]
Attorney's Telephone No.: [Signature]
Phone No.: [Signature]

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059388

DATE 9-22-88 ACCOUNT R-01-615-000

AMOUNT \$ 35.00

RECEIVED FROM MR. Novak Item # 123

FOR: Residential Variance Fly For

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

October 20, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-205-A
W/S Ambler Road, 365' N c/l Parkwood Road
(2617 Ambler Road)
Petitioner(s): Joseph Novak, et ux
HEARING SCHEDULED: WEDNESDAY, DECEMBER 7, 1988 at 2:00 p.m.*

Variance to allow a side yard setback of 1'6" in lieu of the required 7 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Joseph Novak, et ux

IF PHASE II OF THE SLOW EMERGENCY PLAN IS IN EFFECT ON THE DATE OF THE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DICKIE CLEIN AT 494-3351 TO CONFIRM DATE.

*IF PHASE II OF SLOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3351 TO CONFIRM DATE.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Date: 11-15-88

Mr. & Mrs. Joseph Novak
2617 Ambler Road
Baltimore, Maryland 21222

Re: Petition for Zoning Variance
CASE NUMBER: 89-205-A
W/S Ambler Road, 365' N c/l Parkwood Road
(2617 Ambler Road)
Petitioner(s): Joseph Novak, et ux
HEARING SCHEDULED: WEDNESDAY, DECEMBER 7, 1988 at 2:00 p.m.*

Dear Mr. & Mrs. Novak:

Please be advised that \$92.50 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 058974
DATE 12/7/88 ACCOUNT R-01-615-000
AMOUNT \$ 97.50
RECEIVED FROM Joseph Novak
FOR: [Signature] 12/7/88 hearing
89-205-A
VALIDATION OR SIGNATURE OF CASHIER

